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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,669	02/05/2002	Benoist Sebire	1076.41172X00	4693

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER

MAIS, MARK A

ART UNIT PAPER NUMBER

2664

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/062,669

Applicant(s)

SEBIRE, BENOIST

Examiner

Mark A. Mais

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Vayanos et al. (USP 6,747,958).

3. With regard to claim 1, Vayanos et al. discloses a method of transmitting a radio signal comprising a sequence of data blocks in a sequence of radio blocks having equal-sized data payloads **[in a TDM system, it is inherent that there is a periodic and equal sized time-slice allocated for each frame]**, the method comprising:

transmitting an initial part of a first data block, having associated therewith a first physical transport time greater than the radio block interval, in a first radio block so as to fully occupy the data payload of the first radio block; and transmitting a terminal part of a first data block and at least part of a second data block, having associated therewith a second physical transport time equal to the radio block interval, in a second radio block so as to fully occupy the

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data payload of the second radio block, wherein said initial and terminal parts comprise equal proportions of the first data block **[if the frame is longer than the transmission time interval (TTI), the frame is segmented and mapped onto the next frame, col. 5, line 66 to col. 6, line 2].**

4. With regard to claim 2, Vayanos et al. discloses that the second radio block carries all of said second data block **[the second frame can be padded, col. 5, lines 58-61, or they will be interleaved with the first frame (assigned channel) col. lines 19-23].**

5. With regard to claims 3-5, Vayanos et al. discloses transmitting a intermediate part of the first data block and part of said second data block in a third radio block between the first and second radio blocks, a intermediate part of the first data block and all of a third data block in a third radio block between the first and second radio blocks, the second radio block carries all of said second data block **[Fig. 3, the examiner interprets this to mean that all combinations and permutations can be handled on four different transmission channels depending on several factors including, for example, frame size, data size, transmission time, col. 5, lines 30-32].**

6. With regard to claim 6, Vayanos et al. discloses performing a rate matching process on said data blocks for adapting them to the radio block data payload space available therefore **[col. 6, lines 6-13].**

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7. With regard to claim 7, Vayanos et al. discloses a radio transmitter for transmitting a radio signal comprising a sequence of data blocks in a sequence of radio blocks having equal-sized data payloads **[in a TDM system, it is inherent that there is a periodic and equal sized time-slice allocated for each frame]**, the transmitter comprising means for

(a) transmitting an initial part of a first data block, having associated therewith a first physical transport time greater than the radio block interval, in a first radio block so as to fully occupy the data payload of the first radio block; and (b) transmitting a terminal part of a first data block and at least part of a second data block, having associated therewith a second physical transport time equal to the radio block interval, in a second radio block so as to fully occupy the data payload of the second radio block, wherein said initial and terminal parts comprise equal portions of the first data block **[if the frame is longer than the transmission time interval (TTI), the frame is segmented and mapped onto the next frame, col. 5, line 66 to col. 6, line 2]**.

8. With regard to claim 8, Vayanos et al. discloses that the second radio block carries all of said second data block **[the second frame can be padded, col. 5, lines 58-61, or they will be interleaved with the first frame (assigned channel) col. lines 19-23]**.

9. With regard to claims 9-11, Vayanos et al. discloses transmitting a intermediate part of the first data block and part of said second data block in a third radio block between the first and second radio blocks, a intermediate part of the first data block and all of a third data block in a third radio block between the first and second radio blocks, the second radio block carries all of

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said second data block [Fig. 3, the examiner interprets this to mean that all combinations and permutations can be handled on four different transmission channels depending on several factors including, for example, frame size, data size, transmission time, col. 5, lines 30-32].

10. With regard to claim 12, Vayanos et al. discloses performing a rate matching process on said data blocks for adapting them to the radio block data payload space available therefore [col. 6, lines 6-13].

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Sebire (USP 6,870,821), Flexible layer overlay for seamless handovers between full rate and half rate channels.

(b) Vayanos et al. (US Patent Publication 2004/0233899), Transport format combination selection for compressed mode in a W-CDMA system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 6:00-4:30.

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13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 20, 2005

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal flourish extending to the right.

**WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER**